



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

April 19, 2012

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2467, an Act relating to the regulation of snowmobiles, all-terrain vehicles, and watercraft by the Department of Natural Resources, establishing fees, and making penalties applicable.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink that reads "Terry E. Branstad".

Terry E. Branstad
Governor

cc: Secretary of the Senate
Clerk of the House



House File 2467

AN ACT

RELATING TO THE REGULATION OF SNOWMOBILES, ALL-TERRAIN VEHICLES, AND WATERCRAFT BY THE DEPARTMENT OF NATURAL RESOURCES, ESTABLISHING FEES, AND MAKING PENALTIES APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321G.1, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. "*Designated snowmobile trail*" means a snowmobile riding trail on any public land, private land, or public ice that has been designated by the department, a political subdivision, or a controlling authority for snowmobile use.

NEW SUBSECTION. 5B. "*Direct supervision*" means to provide supervision of another person while maintaining visual and verbal contact at all times.

NEW SUBSECTION. 11A. "*Nonresident*" means a person who is not a resident of this state.

NEW SUBSECTION. 15A. "*Public ice*" means any frozen, navigable waters within the territorial limits of this state and the frozen marginal river areas adjacent to this state, other than farm ponds, that are under the jurisdiction of the commission.

NEW SUBSECTION. 16A. "*Public water*" means any navigable waters within the territorial limits of this state and the marginal river areas adjacent to this state, other than farm ponds, that are under the jurisdiction of the commission.

NEW SUBSECTION. 17A. "*Resident*" means as defined in section 483A.1A.

Sec. 2. Section 321G.1, subsections 19 and 21, Code 2011, are amended to read as follows:

19. ~~"Safety~~ "Education certificate" means a snowmobile ~~safety education~~ certificate, approved by the commission, which is issued to a qualified applicant who is twelve years of age or older.

21. "Special event" means an organized race, exhibition, or demonstration of limited duration which is conducted on public land, ~~or public ice,~~ or a designated snowmobile trail under the jurisdiction of the commission according to a prearranged schedule and in which general public interest is manifested.

Sec. 3. Section 321G.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 23. "Water skipping" means the operation of a snowmobile on the surface of water by utilizing the skis, track, and bottom surface area of the snowmobile for flotation while the snowmobile is in motion.

Sec. 4. Section 321G.2, subsection 1, paragraphs c, e, f, and h, Code 2011, are amended to read as follows:

c. Use of snowmobiles on designated snowmobile trails and public lands under the jurisdiction of the commission.

e. Establishment of a program of grants, subgrants, and contracts to be administered by the department for the development, maintenance, signing, and operation of designated snowmobile trails and the operation of grooming equipment by political subdivisions and incorporated private organizations.

f. Issuance of ~~safety~~ education certificates.

h. Issuance of annual user permits ~~for nonresidents~~ and establishment of administrative fees for issuance of the permits.

Sec. 5. Section 321G.2, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. 1. Maintenance, signing, and operation of designated snowmobile trails.

Sec. 6. Section 321G.3, Code 2011, is amended to read as follows:

321G.3 Registration required — penalties.

1. Each snowmobile used on public land ~~or,~~ public ice, or a designated snowmobile trail of this state shall be currently registered. A person shall not operate, maintain, or give permission for the operation or maintenance of a snowmobile on public land ~~or,~~ public ice, or a designated snowmobile trail unless the snowmobile is registered in accordance with

~~this chapter or applicable federal laws or the snowmobile displays a current annual user permit decal issued for the snowmobile as provided in section 321G.4A in accordance with an approved numbering system of another state and the evidence of registration is in full force and effect. A snowmobile must also be issued a user permit in accordance with this chapter.~~

~~2. A registration certificate and registration decal shall be assigned, without payment of fee, to snowmobiles owned by the state of Iowa or its political subdivisions. The registration decal shall be displayed on the snowmobile as required under section 321G.5. A registration certificate shall be assigned, without payment of a registration fee, for a snowmobile which is exempt from registration but is being titled, upon payment of a writing fee as provided in section 321G.27 and an administrative fee. A registration decal shall not be issued and the registration shall not expire while the snowmobile is exempt. The application for registration and the registration certificate shall indicate the reason for exemption from the registration fee.~~

~~3.~~ 2. A violation of subsection 1 ~~or~~ 2 is punishable as a scheduled violation under section 805.8B, subsection 2, paragraph "a". When the scheduled fine is paid, the violator shall submit proof to the department that a valid registration ~~or~~ and user permit ~~has~~ have been obtained by providing a copy of the registration ~~or~~ and user permit to the department within thirty days of the date the fine is paid. A person who violates this subsection is guilty of a simple misdemeanor.

Sec. 7. Section 321G.4, subsection 2, Code 2011, is amended to read as follows:

2. The owner of the snowmobile shall file an application for registration with the department through a the county recorder of the county of residence, or in the case of a nonresident owner, in the county of primary use, in the manner established by the commission. The application shall be completed by the owner and shall be accompanied by a fee of fifteen dollars and a writing fee as provided in section 321G.27. A snowmobile shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the snowmobile or that the owner is exempt from paying the tax. A snowmobile that has an expired registration certificate from another state may be registered in this state upon proper application, payment of

all applicable registration and writing fees, and payment of a penalty of five dollars.

Sec. 8. Section 321G.4A, subsection 1, Code 2011, is amended to read as follows:

1. A ~~nonresident~~ person wishing to operate a ~~snowmobile,~~ ~~other than a snowmobile registered pursuant to this chapter,~~ snowmobile on public land, or public ice, or a designated snowmobile trail of this state shall ~~first~~ obtain a user permit from the department. A user permit shall be issued for ~~the use on only one snowmobile specified at the time of application~~ and is not transferable. A user permit shall be valid for the calendar year or time period specified in the permit.

Sec. 9. Section 321G.5, Code 2011, is amended to read as follows:

321G.5 Display of registration and user permit decals.

The owner of a snowmobile shall display the registration decal ~~or nonresident and~~ user permit decal on a the snowmobile in the manner prescribed by the rules of the commission.

Sec. 10. Section 321G.6, subsection 3, Code 2011, is amended to read as follows:

3. Duplicate registrations may be issued ~~upon application to the~~ by a county recorder and or a license agent upon the payment of a five dollar fee plus a writing fee as provided in section 321G.27.

Sec. 11. Section 321G.7, subsection 1, Code 2011, is amended to read as follows:

1. A county recorder or license agent shall remit to the commission the snowmobile fees collected by the recorder or license agent in the manner and time prescribed by the department.

Sec. 12. Section 321G.8, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Registration and user permits shall not be required for the following described snowmobiles:

Sec. 13. Section 321G.8, subsection 1, Code 2011, is amended to read as follows:

1. Snowmobiles owned ~~and used~~ by the United States, this state, or another state, or by a political governmental subdivision of another state thereof, and used for enforcement, search and rescue, or official research and studies, but not for recreational or commercial purposes.

Sec. 14. Section 321G.9, subsection 6, Code 2011, is amended by striking the subsection.

Sec. 15. Section 321G.10, Code Supplement 2011, is amended to read as follows:

321G.10 Accident reports.

If a snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five hundred dollars or more, either the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state. If the accident occurred on public land, ~~or public ice~~, or a designated snowmobile trail under the jurisdiction of the commission, the operator shall file with the commission a report of the accident, within seventy-two hours, containing information as the commission may require. All other accidents shall be reported as required under section 321.266.

Sec. 16. Section 321G.12, Code 2011, is amended to read as follows:

321G.12 ~~Headlamp — tail lamp~~ Headlight — taillight — brakes.

Every snowmobile shall be equipped with at least one ~~headlamp~~ headlight and one ~~tail lamp~~ taillight. Every snowmobile shall be equipped with brakes.

Sec. 17. Section 321G.13, subsection 1, paragraph f, Code 2011, is amended to read as follows:

f. On any public land, public ice, or ~~snow~~ designated snowmobile trail, in violation of official signs of the commission prohibiting such operation in the interest of safety for persons, property, or the environment. Any officer appointed by the commission may post an official sign in an emergency for the protection of persons, property, or the environment.

Sec. 18. Section 321G.13, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *i.* Upon the surface of any public water in a maneuver known as water skipping. This paragraph "i" does not apply to operation on rivers or streams between November 1 and April 1.

Sec. 19. Section 321G.13, subsection 3, Code 2011, is amended to read as follows:

3. A person shall not drive or operate a snowmobile on public land or a designated snowmobile trail without a measurable snow cover.

Sec. 20. Section 321G.17, Code 2011, is amended to read as follows:

321G.17 Violation of stop signal.

A person, ~~after having~~ who has received a visual or audible signal from a peace officer to come to a stop, shall not operate a snowmobile in willful or wanton disregard of the signal, ~~or~~ interfere with or endanger the officer or any other person or vehicle, or increase speed, or attempt to flee or elude the officer.

Sec. 21. Section 321G.20, Code 2011, is amended to read as follows:

321G.20 ~~Minors under twelve~~ Operation by minors.

1. An owner or operator of a snowmobile shall not permit a person under twelve years of age to operate and a person less than twelve years of age shall not operate, a snowmobile on a designated snowmobile trail, public land, or public ice except when accompanied on the same snowmobile by a responsible person of at least eighteen years of age who is experienced in snowmobile operation and who possesses a valid driver's license, as defined in section 321.1, or ~~a safety~~ an education certificate issued under this chapter.

2. While operating a snowmobile on a designated snowmobile trail, public land, or public ice, a person twelve through fifteen years of age and possessing a valid education certificate must be under the direct supervision of a parent, guardian, or another adult authorized by the parent or guardian, who is experienced in snowmobile operation and possesses a valid driver's license, as defined in section 321.1, or an education certificate issued under this chapter.

3. A person under eighteen years of age but over the age of fifteen shall not operate a snowmobile on or across a public highway unless the person has in the person's possession an education certificate issued to the person pursuant to this chapter.

Sec. 22. Section 321G.21, subsections 1 through 5, Code 2011, are amended to read as follows:

1. A manufacturer, distributor, or dealer owning a snowmobile required to be registered under this chapter may operate the snowmobile for purposes of transporting, testing, demonstrating, or selling it without the snowmobile being registered, except that a ~~special identification number~~ registration decal issued to the owner as provided in this chapter shall be displayed on the snowmobile in the manner prescribed by rules of the commission. The ~~special identification number~~ registration decal shall not be used

on a snowmobile offered for hire or for any work or service performed by a manufacturer, distributor, or dealer.

2. Every manufacturer, distributor, or dealer shall register with the department by making application to the commission, upon forms prescribed by the commission, for a special registration certificate ~~containing a general identification number and for one or more duplicate special registration certificates~~ and decal. The applicant shall pay a registration fee of ~~fifteen~~ forty-five dollars and submit reasonable proof of the applicant's status as a bona fide manufacturer, distributor, or dealer as may be required by the commission.

3. The commission, upon granting an application, shall issue to the applicant a special registration certificate ~~containing~~ and decal. The special registration certificate shall contain the applicant's name, and address, the and general identification number; ~~assigned to the applicant,~~ the word "manufacturer", "dealer", or "distributor"; ~~and other information the commission prescribes. The manufacturer, distributor, or dealer shall have the assigned number printed upon or attached to a removable sign or signs which may be temporarily but firmly mounted or attached to the snowmobile being used. The display shall meet the requirements of this chapter and the rules of the commission.~~

4. The commission shall also issue duplicate special registration certificates and decals which shall have displayed thereon the general identification number assigned to the applicant. ~~Each duplicate registration certificate so issued shall contain a number or symbol identifying it from every other duplicate special registration certificate bearing the same general identification number. A county recorder may issue duplicate special registration certificates and decals electronically pursuant to rules adopted by the commission.~~ The fee for each additional duplicate special registration certificate and decal shall be ~~two~~ five dollars, plus a writing fee.

5. Each special registration certificate issued hereunder under this section shall be for a period of three years and shall expire on December 31 of each the renewal year, and a. A new special registration certificate for the ensuing twelve months three-year renewal period may be obtained upon application to the commission and payment of the fee provided by law. A county recorder may issue special registration

certificate renewals electronically pursuant to rules adopted by the commission.

Sec. 23. Section 321G.23, Code 2011, is amended to read as follows:

321G.23 Course of instruction.

1. The commission shall provide, by rules adopted pursuant to section 321G.2, for the establishment of certified courses of instruction to be conducted throughout the state for the safe use and operation of snowmobiles. The curriculum shall include instruction in the lawful and safe use, operation, and equipping of snowmobiles consistent with this chapter and rules adopted by the commission and the director of transportation and other matters the commission deems pertinent for a qualified snowmobile operator. The commission may establish a fee for the course which shall not exceed the actual cost of instruction minus moneys received by the department from safety education certificate fees under section 321G.24.

2. The commission may certify any experienced, qualified operator to be an instructor of a class established under subsection 1. Each instructor shall be at least eighteen years of age.

3. Upon completion of the course of instruction, the commission shall provide for the administration of a written test to any student who wishes to qualify for a safety an education certificate.

4. The commission shall provide safety education material relating to the operation of snowmobiles for the use of nonpublic or public elementary and secondary schools in this state.

5. The department may develop requirements and standards for online education offerings. Only vendors who have entered into a memorandum of understanding with the department shall be permitted to offer an online course that results in the issuance of an education certificate approved by the commission. Vendors may charge for their courses and collect the education certificate fee required under section 321G.24, subsection 2, on behalf of the department as agreed to in the memorandum of understanding.

Sec. 24. Section 321G.24, Code 2011, is amended to read as follows:

321G.24 Safety Education certificate — fee.

1. A person under eighteen years of age shall not operate a snowmobile on public land, or public ice, a

designated snowmobile trail, or land purchased with snowmobile registration funds in this state without obtaining a valid safety education certificate issued approved by the department and having the certificate in the person's possession, unless the person is accompanied on the same snowmobile by a responsible person of at least eighteen years of age who is experienced in snowmobile operation and possesses a valid driver's license, as defined in section 321.1, or a safety an education certificate issued under this chapter.

2. Upon ~~application~~ successful completion of the course and payment of a fee of five dollars, a qualified applicant shall be issued ~~a safety~~ an education certificate which is valid until the certificate is suspended or revoked by the director for a violation of a provision of this chapter or a rule adopted pursuant to this chapter. ~~The application shall be made on forms issued by the commission and shall contain information as the commission may reasonably require.~~

3. Any person who is required to have ~~a safety~~ an education certificate under this chapter and who has completed a course of instruction established under section 321G.2, subsection 1, paragraph "j", including the successful passage of an examination which includes a written test relating to such course of instruction, shall be considered qualified to receive ~~a safety~~ an education certificate.

4. The ~~permit~~ certificate fees collected under this section shall be credited to the special snowmobile fund created under section 321G.7 and shall be used for safety and educational programs.

5. A valid snowmobile ~~safety~~ or education certificate or license issued ~~to a nonresident~~ by a governmental authority of another state shall be considered a valid certificate or license in this state if the ~~permit~~ certification or ~~license~~ licensing requirements of the governmental authority, ~~excluding fees,~~ are substantially the same as the requirements of this chapter as determined by the commission.

Sec. 25. Section 321G.25, Code 2011, is amended to read as follows:

321G.25 Stopping and inspecting — warnings.

A peace officer may stop and inspect a snowmobile operated, parked, or stored on public streets, highways, public lands, ~~or frozen waters~~ public ice, or designated snowmobile trails of the state to determine if the snowmobile is registered, numbered, or equipped as required by this chapter and

commission rules. The officer shall not inspect an area that is not essential to determine compliance with the requirements. If the officer determines that the snowmobile is not in compliance, the officer may issue a warning memorandum to the operator and forward a copy to the commission. The warning memorandum shall indicate the items found not in compliance and shall direct the owner or operator of the snowmobile to have the snowmobile in compliance and return a copy of the warning memorandum with the proof of compliance to the commission within fourteen days. If the proof of compliance is not provided within fourteen days, the owner or operator is in violation of this chapter.

Sec. 26. Section 321G.26, Code 2011, is amended to read as follows:

321G.26 Termination of use.

A person who receives a warning memorandum for a snowmobile shall stop using the snowmobile as soon as possible and shall not operate it on public streets, highways, public lands, ~~or frozen waters~~ public ice, or designated snowmobile trails of the state until the snowmobile is in compliance.

Sec. 27. Section 321G.27, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0c.* The county recorder shall collect a writing fee of one dollar and twenty-five cents for each duplicate special registration certificate issued by the county recorder's office.

Sec. 28. Section 321G.29, subsection 8, Code Supplement 2011, is amended to read as follows:

8. Once titled, a person shall not sell or transfer ownership of a snowmobile without delivering to the purchaser or transferee a certificate of title with an assignment on it showing title in the ~~purchaser or transferee~~ purchaser's or transferee's name. A person shall not purchase or otherwise acquire a snowmobile without obtaining a certificate of title for it in that person's name.

Sec. 29. Section 321G.31, subsection 1, Code 2011, is amended to read as follows:

1. If ownership of a snowmobile is transferred by operation of law, such as by inheritance, order in bankruptcy, insolvency, replevin, or execution sale, the transferee, within thirty days after acquiring the right to possession of the snowmobile, shall mail or deliver to the county recorder of the transferee's county of residence satisfactory proof of

ownership as the county recorder requires, together with an application for a new certificate of title, and the required fee.

Sec. 30. Section 321G.33, subsections 1 and 3, Code 2011, are amended to read as follows:

1. The department may assign a distinguishing number to a snowmobile when the serial number on the snowmobile is destroyed or obliterated and issue to the owner a special plate decal bearing the distinguishing number which shall be affixed to the snowmobile in a position to be determined by the department. The snowmobile shall be registered and titled under the distinguishing number in lieu of the former serial number. Every snowmobile shall have a vehicle identification number assigned and affixed as required by the department.

3. A person shall not destroy, remove, alter, cover, or deface the manufacturer's vehicle identification number, the plate or decal bearing it, or any vehicle identification number the department assigns to a snowmobile without the department's permission.

Sec. 31. Section 321I.1, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. Off-road motorcycles shall be considered all-terrain vehicles for the purpose of registration. Off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to chapter 321. An operator of an off-road motorcycle is subject to provisions governing the operation of all-terrain vehicles in this chapter, but is exempt from the safety education instruction and certification program requirements of sections 321I.25 and 321I.26.

Sec. 32. Section 321I.1, subsections 6, 7, and 16, Code 2011, are amended to read as follows:

6. "*Designated riding area*" means an all-terrain vehicle riding area on any public land or public ice under the jurisdiction of the department that has been designated by the department for all-terrain vehicle use.

7. "*Designated riding trail*" means an all-terrain vehicle riding trail on any public land, private land, or public ice ~~under the jurisdiction of the department~~ that has been designated by the department, a political subdivision, or a controlling authority for all-terrain vehicle use.

16. a. "*Off-road utility vehicle*" means a motorized ~~flotation-tire~~ vehicle with not less than four and not more

than eight ~~low-pressure~~ nonhighway tires or rubberized tracks that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than ~~one~~ two thousand ~~eight hundred~~ pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.

~~b. An owner of an off-road utility vehicle may register or title an off-road utility vehicle in order to legally operate the off-road vehicle on public ice, a designated riding area, or a designated riding trail.~~ The operator of an off-road utility vehicle is subject to provisions governing the operation of all-terrain vehicles in section 321.234A, and this chapter, and administrative rules, but is exempt from the safety education instruction and certification program requirements of sections 321I.25 and 321I.26. An operator of an off-road utility vehicle shall not operate the vehicle on a designated riding area or designated riding trail unless the department has posted signage indicating the riding area or trail is open to the operation of off-road utility vehicles. Off-road utility vehicles are ~~exempt from~~ subject to the dealer registration and titling requirements of this chapter. A motorized vehicle that was previously titled or is currently titled under chapter 321 shall not be registered or operated as an off-road utility vehicle.

Sec. 33. Section 321I.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 20A. "*Public ice*" means any frozen, navigable waters within the territorial limits of this state and the frozen marginal river areas adjacent to this state, other than farm ponds, that are under the jurisdiction of the commission.

Sec. 34. Section 321I.1, subsections 23, 25, and 27, Code 2011, are amended to read as follows:

23. "*Resident*" means ~~a person who meets the requirements for residency described in section 321.1A~~ as defined in section 483A.1A.

25. "*Safety Education certificate*" means an all-terrain vehicle safety education certificate, approved by the commission, which is issued to a qualified applicant who is twelve years of age or older.

27. "*Special event*" means an organized race, exhibition, or demonstration of limited duration which is conducted on

public land, ~~or public ice~~, or a designated riding trail under the jurisdiction of the commission according to a prearranged schedule and in which general public interest is manifested.

Sec. 35. Section 321I.2, subsection 1, paragraph f, Code 2011, is amended to read as follows:

f. Issuance of safety education certificates.

Sec. 36. Section 321I.3, Code 2011, is amended to read as follows:

321I.3 Registration required — penalties.

1. Each all-terrain vehicle used on public land, ~~or public ice~~, or a designated riding trail of this state shall be currently registered. A person shall not operate, maintain, or give permission for the operation or maintenance of an all-terrain vehicle on public land, ~~or public ice~~, or a designated riding trail unless the all-terrain vehicle is registered in accordance with this chapter or applicable federal laws or ~~the all-terrain vehicle displays a current annual user permit decal issued for the all-terrain vehicle as provided in section 321I.5 in accordance with an approved numbering system of another state and the evidence of registration is in full force and effect.~~ An all-terrain vehicle registered in another state must also be issued a user permit in this state in accordance with this chapter.

~~2. A registration certificate and registration decal shall be assigned, without payment of fee, to all-terrain vehicles owned by the state of Iowa or its political subdivisions. The registration decal shall be displayed on the all-terrain vehicle as required under section 321I.6. A registration certificate shall be assigned, without payment of a registration fee, for an all-terrain vehicle which is exempt from registration but is being titled, upon payment of a writing fee as provided in section 321I.29 and an administrative fee. A registration decal shall not be issued and the registration shall not expire while the all-terrain vehicle is exempt. The application for registration and the registration certificate shall indicate the reason for exemption from the registration fee.~~

~~3.~~ 2. A violation of subsection 1 ~~or 2~~ is punishable as a scheduled violation under section 805.8B, subsection 2A, paragraph "a". When the scheduled fine is paid, the violator shall submit proof to the department that a valid registration or user permit has been obtained by providing a copy of the registration or user permit to the department within thirty

days of the date the fine is paid. A person who violates this subsection is guilty of a simple misdemeanor.

Sec. 37. Section 321I.4, subsection 2, Code 2011, is amended to read as follows:

2. The owner of the all-terrain vehicle shall file an application for registration with the department through a the county recorder of the county of residence, or in the case of a nonresident owner, in the county of primary use, in the manner established by the commission. The application shall be completed by the owner and shall be accompanied by a fee of fifteen dollars and a writing fee as provided in section 321I.29. An all-terrain vehicle shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the all-terrain vehicle or that the owner is exempt from paying the tax. An all-terrain vehicle that has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of five dollars.

Sec. 38. Section 321I.5, subsection 1, Code 2011, is amended to read as follows:

1. A nonresident wishing to operate an all-terrain vehicle, other than an all-terrain vehicle ~~owned by a resident and registered pursuant to this chapter, on public land, or public ice, or a designated riding trail~~ of this state shall ~~first~~ obtain a user permit from the department. A user permit shall be issued for ~~the use on only one~~ all-terrain vehicle ~~specified at the time of application~~ and is not transferable. A user permit shall be valid for the calendar year or time period specified in the permit.

Sec. 39. Section 321I.7, subsections 3 and 4, Code 2011, are amended to read as follows:

3. Duplicate registrations may be issued ~~upon application to the~~ by a county recorder or a license agent and the payment of a five dollar fee plus a writing fee as provided in section 321I.29.

4. A motorcycle, as defined in section 321.1, subsection 40, paragraph "a", may be registered as an all-terrain vehicle as provided in this section. A motorcycle registered as an all-terrain vehicle may participate in all programs established for all-terrain vehicles under this chapter except for the safety education instruction and certification program.

Sec. 40. Section 321I.8, Code 2011, is amended to read as follows:

321I.8 Fees remitted to commission — appropriation.

1. A county recorder or license agent shall remit to the commission the all-terrain vehicle fees collected by the recorder or license agent in the manner and time prescribed by the department.

2. The department shall remit the fees, including user fees collected pursuant to section 321I.5, to the treasurer of state, who shall place the money in a special all-terrain vehicle fund. The money is appropriated to the department for the all-terrain vehicle programs of the state. The programs shall include grants, subgrants, contracts, or cost-sharing of all-terrain vehicle programs with political subdivisions or incorporated private organizations or both in accordance with rules adopted by the commission. All-terrain vehicle fees may be used for the establishment, maintenance, and operation of all-terrain vehicle recreational riding areas through the awarding of grants administered by the department. All-terrain vehicle recreational riding areas established, maintained, or operated by the use of such grants shall not be operated for profit. All programs using cost-sharing, grants, subgrants, or contracts shall establish and implement a safety an education instruction program either singly or in cooperation with other all-terrain vehicle programs. All-terrain vehicle fees may be used to support all-terrain vehicle programs on a usage basis. At least fifty percent of the special fund shall be available for political subdivisions or incorporated private organizations or both. Moneys from the special fund not used by the political subdivisions or incorporated private organizations or both shall remain in the fund and may be used by the department for the administration of the all-terrain vehicle programs. Notwithstanding section 8.33, moneys in the special fund shall not revert to the general fund of the state at the end of a fiscal year. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the special fund shall remain in the fund.

Sec. 41. Section 321I.9, subsection 1, Code 2011, is amended to read as follows:

1. All-terrain vehicles owned ~~and used~~ by the United States, this state, or another state, or by a political governmental subdivision of another state thereof, and used for enforcement, search and rescue, or official research and studies, but not

for recreational or commercial purposes.

Sec. 42. Section 321I.11, Code Supplement 2011, is amended to read as follows:

321I.11 Accident reports.

If an all-terrain vehicle is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five hundred dollars or more, either the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state. If the accident occurred on public land, ~~or public ice,~~ or a designated riding trail under the jurisdiction of the commission, the operator shall file with the commission a report of the accident, within seventy-two hours, containing information as the commission may require. All other accidents shall be reported as required under section 321.266.

Sec. 43. Section 321I.13, Code 2011, is amended to read as follows:

321I.13 ~~Headlamp — tail lamp~~ Headlight — taillight — brakes.

Every all-terrain vehicle operated during the hours of darkness shall display a lighted ~~headlamp~~ headlight and ~~tail lamp~~ taillight. Every all-terrain vehicle shall be equipped with brakes.

Sec. 44. Section 321I.14, subsection 1, paragraph f, Code 2011, is amended to read as follows:

f. On any public land, public ice, or ~~snow~~ designated riding trail, in violation of official signs of the commission prohibiting such operation in the interest of safety for persons, property, or the environment. Any officer appointed by the commission may post an official sign in an emergency for the protection of persons, property, or the environment.

Sec. 45. Section 321I.17, Code 2011, is amended to read as follows:

321I.17 Special events.

The department may authorize the holding of organized special events as defined in this chapter within this state. The department shall adopt rules relating to the conduct of special events held under department permits and designating the equipment and facilities necessary for the safe operation of all-terrain vehicles ~~or,~~ off-road motorcycles, and off-road utility vehicles and for the safety of operators, participants, and observers in the special events. A special event ~~for~~

~~all-terrain vehicles may include motorcycles upon payment of~~ require an entrance fee set by the organizer of the special event. The department may require that part of the ~~motorcycle~~ entrance fee be credited to pay costs of all-terrain vehicle programs authorized pursuant to section 321I.8. At least thirty days before the scheduled date of a special event in this state, an application shall be filed with the department for authorization to conduct the special event. The application shall set forth the date, time, and location of the proposed special event and any other information the department requires. The special event shall not be conducted without written authorization of the department. ~~Copies of the rules shall be furnished by the department to any person making an application.~~

Sec. 46. Section 321I.18, Code 2011, is amended to read as follows:

321I.18 Violation of stop signal.

A person, ~~after having~~ who has received a visual or audible signal from a peace officer to come to a stop, shall not operate an all-terrain vehicle in willful or wanton disregard of the signal, ~~or~~ interfere with or endanger the officer or any other person or vehicle, ~~or~~ increase speed, or attempt to flee or elude the officer.

Sec. 47. Section 321I.21, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A person under twelve years of age shall not operate an all-terrain vehicle, including an off-road motorcycle, on a designated riding area or designated riding trail or on public land or public ice unless one of the following applies:

Sec. 48. Section 321I.21, subsection 1, Code 2011, is amended to read as follows:

1. The person is taking a prescribed safety education training course and the operation is under the direct supervision of a certified all-terrain vehicle safety education instructor.

Sec. 49. Section 321I.22, subsections 1 through 5, Code 2011, are amended to read as follows:

1. A manufacturer, distributor, or dealer owning an all-terrain vehicle required to be registered under this chapter may operate the all-terrain vehicle for purposes of transporting, testing, demonstrating, or selling it without the all-terrain vehicle being registered, except that a special ~~identification number~~ registration decal issued to the owner as

provided in this chapter shall be displayed on the all-terrain vehicle in the manner prescribed by rules of the commission. The special ~~identification number~~ registration decal shall not be used on an all-terrain vehicle offered for hire or for any work or service performed by a manufacturer, distributor, or dealer.

2. Every manufacturer, distributor, or dealer shall register with the department by making application to the commission, upon forms prescribed by the commission, for a special registration certificate ~~containing a general identification number and for one or more duplicate special registration certificates~~ and decal. The applicant shall pay a registration fee of ~~fifteen~~ forty-five dollars and submit reasonable proof of the applicant's status as a bona fide manufacturer, distributor, or dealer as may be required by the commission.

3. The commission, upon granting an application, shall issue to the applicant a special registration certificate ~~containing and decal.~~ The special registration certificate shall contain the applicant's name, and address, the and general identification number; ~~assigned to the applicant,~~ the word "manufacturer", "dealer", or "distributor"; and other information the commission prescribes. ~~The manufacturer, distributor, or dealer shall have the assigned number printed upon or attached to a removable sign or signs which may be temporarily but firmly mounted or attached to the all-terrain vehicle being used. The display shall meet the requirements of this chapter and the rules of the commission.~~

4. The commission shall also issue duplicate special registration certificates and decals which shall have displayed thereon the general identification number assigned to the applicant. ~~Each duplicate registration certificate so issued shall contain a number or symbol identifying it from every other duplicate special registration certificate bearing the same general identification number. A county recorder may issue duplicate special registration certificates and decals electronically pursuant to rules adopted by the commission.~~ The fee for each additional duplicate special registration certificate and decal shall be ~~two~~ five dollars plus a writing fee.

5. Each special registration certificate issued hereunder under this section shall be for a period of three years and shall expire on December 31 of each the renewal year, and

a. A new special registration certificate for the ensuing
~~twelve months~~ three-year renewal period may be obtained upon application to the commission and payment of the fee provided by law. A county recorder may issue special registration certificate renewals electronically pursuant to rules adopted by the commission.

Sec. 50. Section 321I.25, Code 2011, is amended to read as follows:

321I.25 Course of instruction.

1. The commission shall provide, by rules adopted pursuant to section 321I.2, for the establishment of certified courses of instruction to be conducted throughout the state for the safe use and operation of all-terrain vehicles. The curriculum shall include instruction in the lawful and safe use, operation, and equipping of all-terrain vehicles consistent with this chapter and rules adopted by the commission ~~and the director of transportation and other matters the commission deems pertinent for a qualified all-terrain vehicle operator.~~ The commission may establish a fee for the course which shall not exceed the actual cost of instruction minus moneys received by the department from safety education certificate fees under section 321I.26.

2. The commission may certify any experienced, qualified operator to be an instructor of a class established under subsection 1. Each instructor shall be at least eighteen years of age.

3. Upon completion of the course of instruction, the commission shall provide for the administration of either a written test or the demonstration of adequate riding skills to any student who wishes to qualify for ~~a safety~~ an education certificate.

4. The commission shall provide safety education material relating to the operation of all-terrain vehicles for the use of nonpublic or public elementary and secondary schools in this state.

5. The department may develop requirements and standards for online education offerings. Only vendors who have entered into a memorandum of understanding with the department shall be permitted to offer an online course that results in the issuance of an education certificate approved by the commission. Vendors may charge for their courses and collect the education certificate fee required under section 321I.26, subsection 2, on behalf of the department as agreed to in the

memorandum of understanding.

Sec. 51. Section 321I.26, Code 2011, is amended to read as follows:

321I.26 Safety Education certificate — fee.

1. A person twelve years of age or older but less than eighteen years of age shall not operate an all-terrain vehicle on public land, ~~or public ice,~~ a designated riding trail, or land purchased with all-terrain vehicle registration funds in this state without obtaining a valid safety education certificate ~~issued~~ approved by the department and having the certificate in the person's possession.

2. Upon ~~application~~ successful completion of the course and payment of a fee of five dollars, a qualified applicant shall be issued ~~a safety~~ an education certificate which is valid until the certificate is suspended or revoked by the director for a violation of a provision of this chapter or a rule adopted pursuant to this chapter. ~~The application shall be made on forms issued by the commission and shall contain information as the commission may reasonably require.~~

3. Any person who is required to have ~~a safety~~ an education certificate under this chapter and who has completed a course of instruction established under section 321I.2, subsection 1, paragraph "i", including the successful passage of an examination which includes either a written test relating to such course of instruction or the demonstration of adequate riding skills, shall be considered qualified to receive a safety an education certificate.

4. The ~~permit~~ certificate fees collected under this section shall be credited to the special all-terrain vehicle fund and shall be used for ~~safety and~~ educational programs.

5. A valid all-terrain vehicle safety or education certificate or license issued ~~to a nonresident~~ by a governmental authority of another state shall be considered a valid certificate or license in this state if the ~~permit~~ certification or ~~license~~ licensing requirements of the governmental authority, ~~excluding fees,~~ are substantially the same as the requirements of this chapter as determined by the commission.

Sec. 52. Section 321I.27, Code 2011, is amended to read as follows:

321I.27 Stopping and inspecting — warnings.

A peace officer may stop and inspect an all-terrain vehicle operated, parked, or stored on public streets, highways,

public lands, ~~or frozen waters~~ public ice, or designated riding trails of the state to determine if the all-terrain vehicle is registered, numbered, or equipped as required by this chapter and commission rules. The officer shall not inspect an area that is not essential to determine compliance with the requirements. If the officer determines that the all-terrain vehicle is not in compliance, the officer may issue a warning memorandum to the operator and forward a copy to the commission. The warning memorandum shall indicate the items found not in compliance and shall direct the owner or operator of the all-terrain vehicle to have the all-terrain vehicle in compliance and return a copy of the warning memorandum with the proof of compliance to the commission within fourteen days. If the proof of compliance is not provided within fourteen days, the owner or operator is in violation of this chapter.

Sec. 53. Section 321I.28, Code 2011, is amended to read as follows:

321I.28 Termination of use.

A person who receives a warning memorandum for an all-terrain vehicle shall stop using the all-terrain vehicle as soon as possible and shall not operate it on public streets, highways, public lands, ~~or frozen waters~~ public ice, or designated riding trails of the state until the all-terrain vehicle is in compliance.

Sec. 54. Section 321I.29, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0c.* The county recorder shall collect a writing fee of one dollar and twenty-five cents for each duplicate special registration certificate issued by the county recorder's office.

Sec. 55. Section 321I.31, subsection 8, Code 2011, is amended to read as follows:

8. Once titled, a person shall not sell or transfer ownership of an all-terrain vehicle without delivering to the purchaser or transferee a certificate of title with an assignment on it showing title in the ~~purchaser or transferee~~ purchaser's or transferee's name. A person shall not purchase or otherwise acquire an all-terrain vehicle without obtaining a certificate of title for it in that person's name.

Sec. 56. Section 321I.33, subsection 1, Code 2011, is amended to read as follows:

1. If ownership of an all-terrain vehicle is transferred by operation of law, such as by inheritance, order in bankruptcy,

insolvency, replevin, or execution sale, the transferee, within thirty days after acquiring the right to possession of the all-terrain vehicle, shall mail or deliver to the county recorder of the transferee's county of residence satisfactory proof of ownership as the county recorder requires, together with an application for a new certificate of title, and the required fee.

Sec. 57. Section 321I.35, subsections 1 and 3, Code 2011, are amended to read as follows:

1. The department may assign a distinguishing number to an all-terrain vehicle when the serial number on the all-terrain vehicle is destroyed or obliterated and issue to the owner a special plate decal bearing the distinguishing number which shall be affixed to the all-terrain vehicle in a position to be determined by the department. The all-terrain vehicle shall be registered and titled under the distinguishing number in lieu of the former serial number. Every all-terrain vehicle shall have a vehicle identification number assigned and affixed as required by the department.

3. A person shall not destroy, remove, alter, cover, or deface the manufacturer's vehicle identification number, the plate or decal bearing it, or any vehicle identification number the department assigns to an all-terrain vehicle without the department's permission.

Sec. 58. Section 461C.2, subsection 5, Code 2011, is amended to read as follows:

5. "*Recreational purpose*" means the following or any combination thereof: Hunting, trapping, horseback riding, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, motorcycling, all-terrain vehicle riding, nature study, water skiing, snowmobiling, other summer and winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites while going to and from or actually engaged therein.

Sec. 59. Section 462A.2, Code Supplement 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 43A. "*Watercraft education certificate*" means a certificate, approved by the commission, which is issued to a qualified applicant who is twelve years of age or older who has successfully completed a watercraft education course approved by the department.

Sec. 60. Section 462A.12, subsection 6, Code 2011, is amended to read as follows:

6. An owner or operator of a vessel propelled by a motor of more than ten horsepower shall not permit any person under twelve years of age to operate the vessel unless accompanied in or on the same vessel by a responsible person of at least eighteen years of age who is experienced in motorboat operation. A person who is twelve years of age or older but less than eighteen years of age shall not operate any vessel propelled by a motor of more than ten horsepower unless the person has successfully completed a department-approved watercraft ~~safety~~ education course and obtained a watercraft ~~safety~~ education certificate or is accompanied in or on the same vessel by a responsible person of at least eighteen years of age who is experienced in motorboat operation. A person required to have a watercraft ~~safety~~ education certificate shall carry and shall exhibit or make available the certificate upon request of an officer of the department. A violation of this subsection is a simple misdemeanor as provided in section 462A.13. However, a person charged with violating this subsection shall not be convicted if the person produces in court, within a reasonable time, a ~~department-approved~~ watercraft education certificate. The cost of a ~~department~~ watercraft education certificate, or any duplicate, shall not exceed five dollars.

Sec. 61. NEW SECTION. 462A.12A Online watercraft education courses.

1. The department shall develop requirements and standards for online watercraft education courses. Only vendors who have entered into a memorandum of understanding with the department shall be approved by the department to offer an online watercraft education course that upon successful completion is sufficient to result in the issuance of a watercraft education certificate to the person who completes the course.

2. A vendor approved to offer an online watercraft education course as provided in subsection 1 may charge a fee for the course as agreed to in the memorandum of understanding with the department and may also collect the watercraft education certificate fee on behalf of the department as agreed to in the memorandum of understanding.

Sec. 62. Section 462A.36, Code 2011, is amended to read as follows:

462A.36 Fee for special certificate — minimum requirements for issuance.

1. Any manufacturer or dealer may, upon payment of a fee of

fifteen dollars, make application to the commission, upon such forms as the commission prescribes, for a special certificate containing a general distinguishing number and for one or more duplicate special certificates. The applicant shall submit such reasonable proof of the applicant's status as a bona fide manufacturer or dealer as the commission may require.

2. The commission may adopt rules consistent with this chapter establishing minimum requirements for a dealer or manufacturer to be issued a special certificate. In adopting such rules the department shall consider the need to protect persons, property, and the environment, and to promote uniform practices relating to the sale and use of vessels. The commission may also adopt rules providing for the suspension or revocation of a dealer's or manufacturer's special certificate issued pursuant to this section.

Sec. 63. Section 462A.46, Code 2011, is amended to read as follows:

462A.46 Purchase of registered vessel by dealer.

Whenever a dealer purchases or otherwise acquires a vessel registered in this state, the dealer shall issue a signed receipt to the previous owner, indicating the date of purchase or acquisition, the name and address of such previous owner, and the registration number of the vessel purchased or acquired. ~~The original receipt shall be delivered to the previous owner and one copy shall be mailed or delivered by the dealer to the county recorder of the county in which the vessel is registered, and one copy shall be delivered to the commission within forty-eight hours.~~

Sec. 64. Section 462A.53, Code 2011, is amended to read as follows:

462A.53 Amount of writing fees.

A writing fee of one dollar and twenty-five cents for each transaction privilege shall be collected by the county recorder. ~~If two or more functions are transacted for the same vessel at one time, the writing fee is limited to one dollar and twenty-five cents.~~

Sec. 65. Section 805.8B, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. For registration or user permit violations under section 321G.3, ~~subsections~~ subsection 1 and 2, the scheduled fine is fifty dollars.

Sec. 66. Section 805.8B, subsection 2, paragraph b, subparagraph (3), Code 2011, is amended to read as follows:

(3) For operating violations under section 321G.13, subsection 1, paragraphs "a", "b", "e", "f", "g", and "h", and "i", and subsections 2 and 3, the scheduled fine is one hundred dollars.

Sec. 67. Section 805.8B, subsection 2, paragraph g, Code 2011, is amended to read as follows:

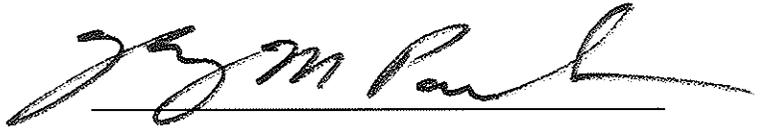
g. For violations of section 321G.20 and for safety education certificate violations under section 321G.24, subsection 1, the scheduled fine is fifty dollars.

Sec. 68. Section 805.8B, subsection 2A, paragraphs a and g, Code 2011, are amended to read as follows:

a. For registration or user permit violations under section 321I.3, ~~subsections subsection 1 and 2~~, the scheduled fine is fifty dollars.

g. For violations of section 321I.21 and for safety education certificate violations under section 321I.26, subsection 1, the scheduled fine is fifty dollars.

Sec. 69. REPEAL. Sections 462A.40 and 462A.42, Code 2011, are repealed.

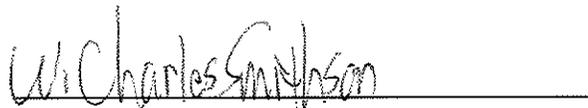


KRAIG PAULSEN
Speaker of the House



JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2467, Eighty-fourth General Assembly.



W. CHARLES SMITHSON
Chief Clerk of the House

Approved April 19, 2012



TERRY E. BRANSTAD
Governor